

**City of New Castle Delaware
Special Council Meeting at Town Hall
201 Delaware Street, New Castle
Wednesday, July 23, 2015
10:00 a.m.**

Call to order: 10:00 a.m.

Roll Call:

Councilperson Megginson

Councilperson Vannucci

Council President Ratchford

Councilperson Petty (Mrs. Petty arrived at 10:02)

Councilperson Di Mondì

Also present:

William Barthel, City Administrator

Donald Reese, Mayor

Janet Carlin, City Treasurer

Daniel Losco, City Solicitor

President Ratchford opened the special meeting.

Council President Ratchford introduced the first agenda item, MSC's appropriation to the City for the 2015-2016 fiscal year stating that Council has had several meetings to discuss this topic. Councilperson Di Mondì, Council President, the City Administrator and the Mayor met with MSC President Roy Sippel and Director Pam Patone to discuss Council's proposal regarding MSC's contribution to the City.

Discussion regarding MSC's response to Council concerning Antenna placement on Water Tower on Gray Street.

President Ratchford stated that the City owns the Municipal Services Commission, but there is a firewall between the two entities. MSC does not pay money to shareholders, and since they are City owned they do not pay any taxes. It is very common for utilities to pay a City money in lieu of taxes. Historically the amount of funds that MSC gives the City has been a handshake agreement and Council is hoping formalize that agreement.

Payment has been based on our budget; however the industry standard is based on the Utility's revenue and a range of 4 to 8 percent. President Ratchford stated that Councilperson Di Mondì had put together a proposal that recommended 6% less the payment of our utilities. She said the meeting with MSC was very productive, with multiple topics being discussed. She felt the meeting went a long way in fine-tuning and clarifying the relationship between the City and MSC.

Councilperson Di Mondì summarized the meeting with MSC, stating that this is a summary of the meeting, and nothing is being decided today, any decisions will take place at a scheduled meeting. (Statement attached)

President Ratchford commented that there are three properties; MSC also has facilities on Trustee property; also that there was not an agreement reached regarding free service users.

Councilperson Di Mondì said he wants the free service to be part of the agreement, saying the City should have the right to confirm who receives free service and the amount.

President Ratchford stated that free service is something that the City can offer their non-profits, noting that Delaware Greenaway's does pay for utilities; they are managing a Trustee property but would not be considered a New Castle non-profit.

Councilperson Megginson asked if MSC has agreed to this proposal. Councilperson said yes, they are having their meeting on July 27th to formalize their response. It was not decided, but it was mutually agreed upon.

President Ratchford said they had discussed a Charter change, and MSC was interested in having a change in the City Charter supporting the 6% annual appropriation.

Councilperson Petty asked if Council would get a confirmation from MSC that they had formally accepted the proposal. Councilperson Di Mondì said MSC will notify Council after their meeting. President Ratchford said there would be an agreement on the amount before it would be made official with a Charter change. President Ratchford asked for a legal opinion of using a charter change to solidify this agreement.

City Solicitor Daniel Losco stated that by making this a change to the City Charter, Council is locking the City into a 6% appropriation, at this time, that is a median number in the industry standard, but this may not always be the case. Mr. Losco suggested that it would be better to make this a contractual agreement; it is a challenge to change the Charter if we want to revisit the percentage. A Charter change is a large undertaking; it requires multiple Public Meetings, General Legislature support, as such if this is a Charter Change the City is boxed into the 6%. Mr. Losco also pointed out that if MSC's revenues go down for any reason that will also affect the amount that the City will receive.

Mr. Losco also felt that granting MSC a 99 year lease on properties was problematic. He said that he understands that MSC wants to lock what amounts to ownership of the buildings. These leases cannot be changed, and would be \$1.00 a year lease, which means that we are handing over multi-million dollar assets, water towers and buildings, and give them what amounts to free rent for 100 years.

Councilperson Di Mondì asked if he could guarantee ownership of the properties.

Council Communications: Council President stated that Council would be holding more work session meetings, to talk about City issues. She stated that Council cannot meet unless it is an public meeting with 7 days' notice given to the public. These meetings will give the public more opportunities to give comment on particular topics. President Ratchford noted several topics for future meetings. 1. She wants to reduce meeting times, by having more work meetings, and by keeping comments as brief as possible. 2. Council wants to work on more communications through the media, providing project updates to the citizens. 3. President Ratchford also asked that Council "check their egos at the door", and look for ways to help people, and show respect for people who take the time to attend meetings and give their opinions. Working together as a Council, and with the residents should be our path forward.

Councilperson Vannucci said the Police are planning community meetings to let the public know what the Police Department has been working on. The community would be invited and could ask questions about what has been going on in their neighborhoods.

President Ratchford said she had attended a Police/Public meeting and there was no one there. Mr. Vannucci said these meetings need better advertisement so the public is aware they are meeting, and what topics they will be addressing. Mr. Vannucci said that the residents need to be aware of what is going on in the City.

President Ratchford asked that when Council members want to add an item to a meeting agenda that they contact her. She said she wants to work with all members of Council, while making sure the meetings are not too long. President Ratchford said that when resources are brought

Mr. Clark suggested that the New Castle Library could also be used as a meeting place.

Councilperson Megginson said the City has ordered a new dump truck. The actual cost was \$6,000 below what had been budgeted. Mr. Megginson said he and the City Administrator had met with the President of the Trustees communicated to him how the City's lawyer interprets the meadows and tall grass. He said that the Trustees lawyer interprets it much differently. Mr. Megginson said our lawyer feels that the way the code is written now if they plant these meadows they would have to be cut 3 times a year, the Trustees lawyer contends that is not the case. Mr. Megginson proposed to change the cuts on the meadows to a minimum of one cut per year so it could be mulched and seeded. Mr. Megginson said he would like to see a resolution that is equitable to everyone. Mr. Megginson said he had heard from Trustee President Wilson that they were going to plant the meadows.

Discussion regarding benefits and drawbacks of Meadows.

President Ratchford pointed to the previous Council meeting, and the presentation showing that meadows are an environmental improvement. She said that the Trustees want to invest in meadows, and Council should work with the Trustees, and should also encourage backyard wildlife habitat. President Ratchford said Council should be careful not to write legislation that harms the environment. Council will need to work through this to improve our City Code.

Additional discussion regarding working with the Trustees on the Meadows.

President Ratchford stated that while there are differing opinions on Council regarding the meadows, our code is based on the County Code, and the County does support meadows. She asked that Council move forward and work for what best serves the residents and the environment.

Councilperson asked if he could get information on what type of spraying is being done in Dobbinsville. Mr. Barthel said they are spraying for mosquitos, per a request from the residents of Dobbinsville.

Councilperson Petty said a tree had been removed from a drainage ditch on Buttonwood Avenue, helping with the drainage issues in that area.

Projects and Operations Discussion, and General Updates:

Rt. 9 Paving: DelDOT will be paving from Federal Lane to Washington Street, this will be a good thing for the bike race, and for the residents of Dobbinsville. Senator Poore is working with DelDOT on recommendations for making it safer for pedestrians in that area. The City will be putting in a turn lane to the fishing beach. Rep. Mulrooney inserted in the Bond Bill \$225,000 for a parking lot at the fishing beach area.

President Ratchford asked for other input regarding the traffic in the Rt. 9/Dobbinsville area. Councilperson Di Mondì suggested a red light. Councilperson Vannucci said they had talked about a stop light, but it would make traffic back up in that area. Councilperson Vannucci said DelDOT should come in and look at the safety issues, and help to resolve them. 11:27

City Administrator Barthel: We did a qualifying bid for the final design and project management of the pier; Duffield was awarded the bid. Mr. Barthel said he was expecting time schedule from Duffield, as to what they think is a realistic construction schedule. Bids will go out for construction. The best estimate is for beginning construction is mid to late October or November; they are planning to start before the end of the calendar year. They are aware the City must have construction completed by November of 2016.

President Ratchford asked about the March deadline. Mr. Barthel said they cannot drive pilings in the river from the beginning of March until the end of June due to wildlife restrictions. The intent is to drive the pilings in the fall then they can work on the decking through the winter.

Councilperson Vannucci asked how the Fishing Pier was bid at 1.2 million, and the Wharf Pier is being bid at \$800,000.

Mr. Barthel said the estimate the City received was for \$800,000, and it included a 15% contingency fee. He stated that any bids awarded would have to meet the \$800,000 before any work is started.

President Ratchford stated that the additional costs for the Fishing Pier could include the parking lot, and restroom facility that are being built as well. The pier itself also goes out further in the river than the Wharf Pier. She stated that there will also be a resident meeting to look at the final designs.

Neighborhood Block Grant/Surface Water Matching Grant/Shoreline Grant: After we had received contracts from the State they changed their insurance requirements. We submitted what our current coverages are, and we just received confirmation that the State accepted our coverages. The documents have been resubmitted to the State, and we are waiting for them to send back the signed purchase orders.

Councilperson Di Mondì asked about the Downtown Development District Grant. Mr. Barthel said there is no match to that grant. Once we get that signed we will put together a committee to work on preparing the Downtown Development District Plan. Councilperson Di Mondì asked if areas could be deleted from the DDD if the residents in that area do not want to be included.

President Ratchford said the definition of what is “Downtown” is not fixed. The grant application had to include a definition with area restrictions. We used a recommendation from the planners, and the definition of the scope of the district will be one of the first things decided; the plan will also look at parking.

Parking on E. 4th Street: Mr. Vannucci said that the owner is not going to put parking spaces in the yard. Councilperson Di Mondì asked how a person got permission from HAC to put three apartments in a house with no off street parking included. He said that HAC can deny an application due to parking limitations. The City Administrator said he would research this and get more information for the other residents of E. 4th Street.

Paving and ADA Curbs: Mr. Barthel reported - 14th Street, materials have been delivered, but there is a gas line in the area that is holding up the project. They are starting with 14th Street because it is a drainage project. Once they finish 14th Street they will start on the paving of the other streets. Mt. Vesuvius, Platt Alley, and the turning lane

ADA Curbs have been inventoried throughout the City. The inventory includes curbs that are partially in compliance with ADA, and curbs that need to be cut out completely. Mr. Barthel said they were going to start with Delaware Street first, but because of the DDD Grant and the study Delaware Street has been put on hold. The City’s Municipal Street Aid appropriation is \$106,000 and the Trustees are going to contribute an additional \$50,000 for curbs.

Paving & Potholes: Mr. Barthel said that Public Works have been working on the most severe pot holes. Some of the areas need construction, and addressing as best we can with patches

The motion to adjourn was made by Councilperson Vannucci, seconded by Councilperson Megginson and passed unanimously. Council adjourned at 11:50 a.m.

Respectfully submitted,

Kimberly Burgmuller
Council Secretary